

**LEVI & KORSINSKY, LLP**

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**UNITED STATES DISTRICT COURT FOR THE  
DISTRICT OF NEW JERSEY**

CREIGHTON TAKATA, individually	)	C.A. No. 3:18-cv-02293-FLW-
and on behalf of all others similarly	)	TJB
situated,	)	
	)	<b>NOTICE OF MOTION OF</b>
Plaintiff,	)	<b>THE KLAPPER, RANA AND</b>
	)	<b>ESTOESTA GROUP TO</b>
v.	)	<b>STRIKE SUR-REPLY (DKT.</b>
	)	<b>NO. 32)</b>
RIOT BLOCKCHAIN, INC. F/K/A,	)	
BIOPTIX, INC., JOHN O'ROURKE, and	)	<u>CLASS ACTION</u>
JEFFREY G. MCGONEGAL,	)	
	)	<b>MOTION DATE: July 2, 2018</b>
Defendants.	)	
	)	

**PLEASE TAKE NOTICE** that pursuant to L.Civ.R. 7.1(d)(6), lead plaintiff movant the Klapper, Rana and Estoesta Group,<sup>1</sup> by its counsel, respectfully submits this Motion requesting that this Court issue an Order striking the improper sur-reply (Dkt.

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<sup>1</sup> The "Klapper, Rana and Estoesta Group" or "Group" is comprised of Joseph J. Klapper, Jr., Ashish Rana, and Sonia Estoesta.

No. 32) (the “Sur-Reply”) filed in direct violation of L.Civ.R. 7.1(d)(6) by the Rosen Law Group<sup>2</sup> and The Rosen Law Firm.

This Motion is made on the grounds that the Rosen Law Group filed the Sur-Reply in direct violation of this District’s Local Rules and therefore, it should be stricken. In support of this Motion, the Group submits herewith a Memorandum of Law in Support of the Motion.

Dated: June 7, 2018

**LEVI & KORSINSKY, LLP**

/s/ Donald J. Enright

Donald J. Enright

Elizabeth K. Tripodi (*pro hac vice to be submitted*)

John A. Carriel (*pro hac vice to be submitted*)

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<sup>2</sup> The Rosen Law Group is comprised of Simon Lee, Bryan Siegel and Vivek Singhal. Dkt. No. 14.

**CERTIFICATE OF SERVICE**

I hereby certify that on June 7, 2018, a true and correct copy of the foregoing document was served by CM/ECF to all counsel of record registered to the Court's CM/ECF system.

/s/ Donald J. Enright